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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,147	01/22/2004	Frank Tsai	USP2252A-WPI	4177
30265	7590	02/09/2006		
RAYMOND Y. CHAN 108 N. YNEZ AVE., SUITE 128 MONTEREY PARK, CA 91754			EXAMINER AYRES, TIMOTHY MICHAEL	
			ART UNIT 3637	PAPER NUMBER
DATE MAILED: 02/09/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/762,147	Applicant(s) TSAI, FRANK	
	Examiner Timothy M. Ayres	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) 4,7,10,13,16 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,6,8,9,11,12,14,15,17,19 and 20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

This is a first office action on the merits of application SN 10/762,147.

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

- a. Species I is to figures 1-4.
- b. Species II is to figure 5.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, Claims 1, 2, 5, 8, 11, 14, 19, and 20 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

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Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. During a telephone conversation with Raymond Chan on 1/25/06 a provisional election was made without traverse to prosecute the invention of species I, claims 1-3, 5,6, 8, 9, 11,12, 14, 15,17, 19, and 20. Affirmation of this election must be made by applicant in replying to this Office action. Claims 3, 4, 7, 10, 13,16, and 18 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: The receiving cavity 111 that is mentioned on page 8 of specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either

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"Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 17, 19, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. The phrase "in such a manner" is indefinite since it is unclear as to how the biasing wall is arranged. The applicant should consider using phrases such as "adapted" or "configured" instead.

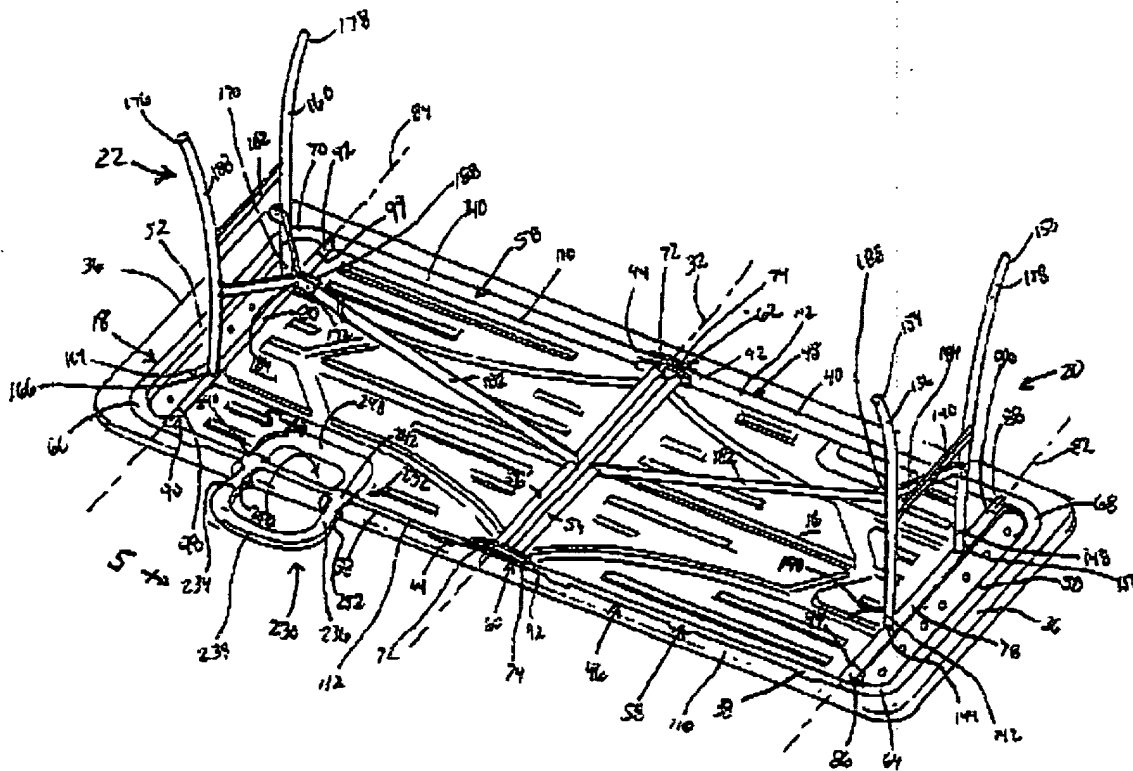
Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

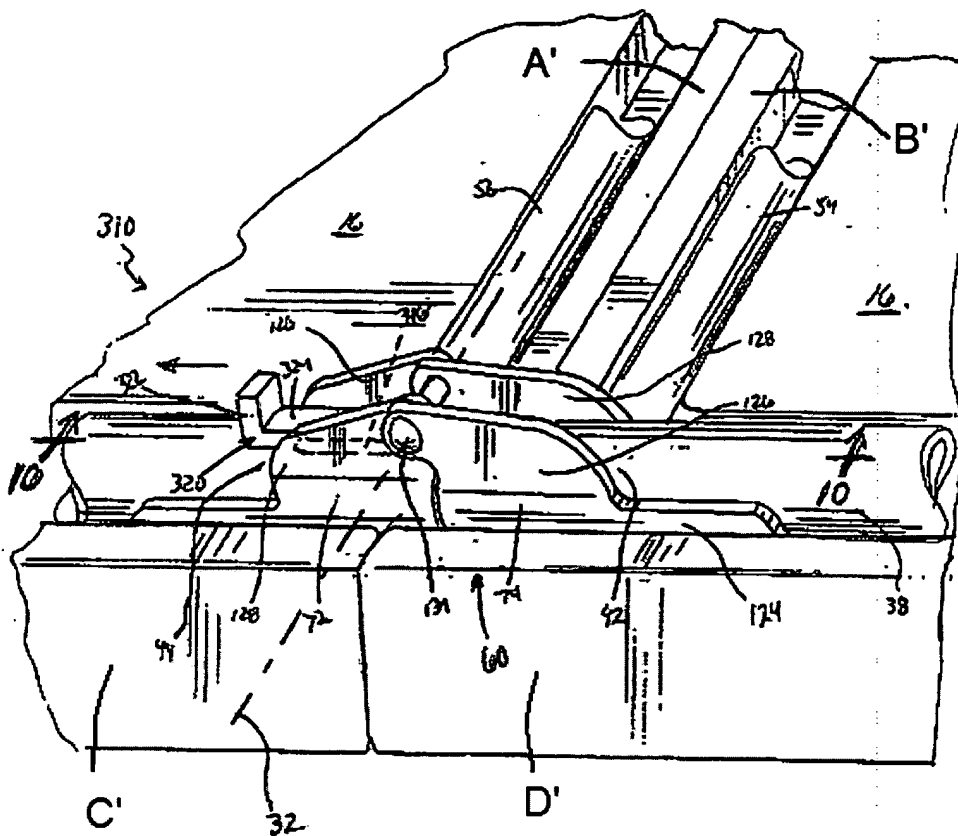
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Publication 2002/0092445 to Glover. Glover teaches a foldable table (10) comprising a tabletop (12) made of two table panels (28,30) as seen in figure 1. A foldable frame (18) is comprised of two tabletop supports (46,48) mounted to the underneath (16) of each of the two table panels (28,30). Each of the tabletop supports (46,48) has a U-shape with two longitudinal supports (38,40) and a transverse support (54,56) integrally extended between the two longitudinal supports (38,40). The two longitudinal supports (38,40) extend along the two longitudinal edge portions (24,26) of the respective table panel and the transverse support (54,56) extends along the inner transverse edge portion (34) of the table panel. Two folding hinges (60,62) mounted between the two tabletop supports (46,48) to pivotally connect the two tabletop supports (46,48) so that the table (10) is adapted to fold from a folded position to an unfolded position so that the two table panels are aligned edge-to-edge. Two leg frames (20,22) that is foldable connected with the tabletop supports (46,48). Each of the leg frames (20,22) comprises a standing leg (136,138,158,160) with an upper portion (78,80) pivotally connected to the respective tabletop support (46,48). A retaining frame (180) is pivotally coupled with the standing leg (136,138,158,160) to retain the standing leg at a standing position that is perpendicular to the tabletop (14) and is adapted to be folded to allow the standing leg (136,138,158,160) to fold to rest on a bottom side of the table panel. The retaining member (180) has a leg coupling end (184) connected to the standing leg (136,138,158,160) and a table coupling end (182) connected to the transverse member (54,56).



Glover '445 Figure 2

9. Each of the folding hinges (60,62) comprises a pivot hinge (76) that has two hinge arms (72,74) extending oppositely from it. The two hinge arms (72,74) connect to the inner ends (42,44) of two corresponding longitudinal supports (38,40) of the tabletop supports (46,48) so as to pivotally connect the two tabletop supports.

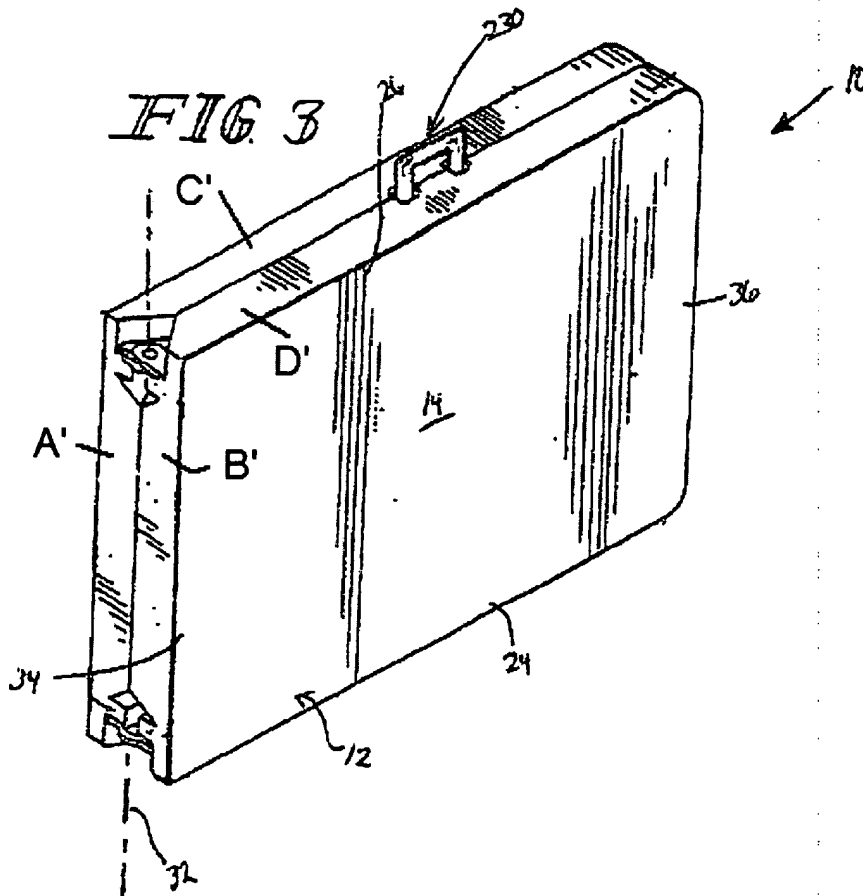


Glover '445 Figure 8

10. Each of the table panels (28,30) has a receiving cavity that has a predetermined depth formed from a longitudinal rim (34,36) that extends around the edge of the table panel and the outer edge of the tabletop supports as best understood from figures 2, 3, and 8. The tabletop support is received in a supporting channel formed by two supporting walls. The two supporting walls are of differing heights with the inner wall being shorter than the outer wall (C', D') and the difference between the heights of the walls is equal to the predetermined depth of the receiving cavity. The longitudinal rim includes the two supporting walls and the supporting channel. The height of the

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respective standing leg (136, 138, 158, 160) is shorter than a length of the longitudinal supports (38,40) so that the standing leg is pivotally folded within the respective tabletop support. Each of the table panels has an inner transverse biasing wall (A', B') arranged so that when the table is in the unfolded position the two biasing walls contact each other to block further pivotal movement as seen in the marked up figure 8 above and figure 3 below.



Glover '445 Figure 3

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

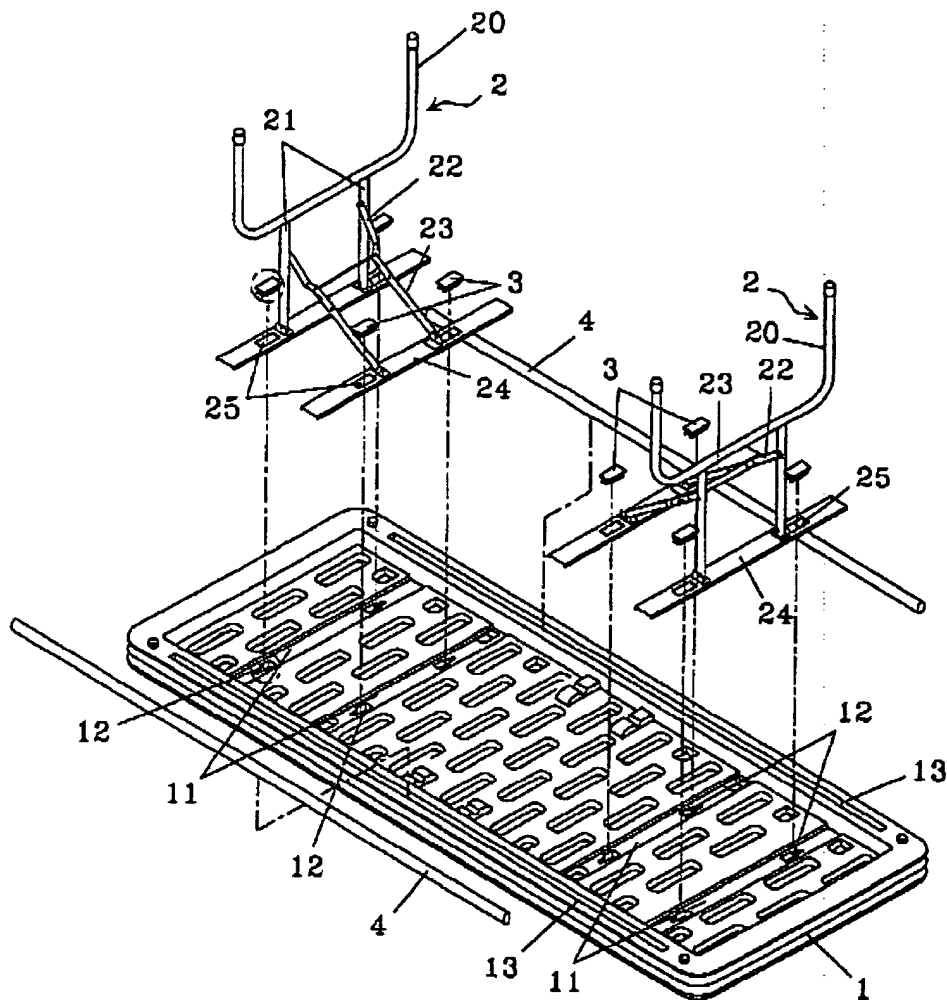
1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. Claims 2, 3, 6, 8, 9, 11, 12, 14, 15, 17, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication 2002/0092445 to Glover in view of US Patent Publication 2003/0005864 to Wen. Glover discloses every element claimed except a connecting member transversely mounted between the longitudinal supports at a position between the standing leg and the transverse support so that the connecting member is connected to a table coupling end of the retaining member and the inner supporting wall extending downward from the bottom side of the table panel.

14. Wen teaches a table (1) with two tabletop supports (4) that are longitudinally received in a supporting channel (13) that is made from two supporting walls that are extending downward from the bottom of the table as best seen in figure 4. Each of two leg frames (2) comprises a standing leg (20) that is pivotally connected to the table. A

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retaining frame (22, 23) is pivotally coupled to the standing leg and at a table coupling end (23) is connected to the table via a connecting member (24) that is transversely mounted between the longitudinal support (4) at a position away from the middle of the table as best seen in figure 2. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the table of Glover by having the inner supporting wall extend downward from the bottom of the table and by having the retaining member connect to a connection member separate from the transverse member as taught by Wen so that the table is easier to assemble (Wen '864, Paragraph 3).



Wen '864 Figure 2

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent 6,615,743 to Nien discloses a connecting member that extends longitudinally on the bottom of the table. US Patent 6,561,106 to Tseng discloses a table with a connecting member that extends transversally to and between longitudinal support members. US Patent 6,823,806 to Buono discloses a table with an

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upper portion of the standing leg connected to the tabletop support member. US Patent 6,058,853 to Pinch discloses a folding table with pivot hinges and an inner transverse biasing wall. US Patent 3,368,504 to Cohen discloses a folding table with pivot hinges and an inner transverse biasing wall. US Patent 2,643,926 to Pucci discloses a folding table with a pivot hinges and an inner transverse biasing wall. US Patent publication 2004/0031422 to Wong discloses a table with a retaining frame. US Patent 5,357,872 to Wilmore discloses a folding table with pivot hinges, a transverse member, an transverse biasing member, and a retaining frame mounted to the table. US Patent 5,957,061 to Chang discloses a folding hinge with a pivot hinge and two hinge arms. US Patent Publication 2004/0094076 to Jin discloses a folding table with a transverse member and pivot hinges. US Patent publication 2003/0167981 to Cai discloses a table with a receiving cavity.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Ayres whose telephone number is (571) 272-8299. The examiner can normally be reached on MON-THU 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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2/01/06



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